

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,)	No. CR 20-101-CJW-MAR
)	
Plaintiff,)	
)	
vs.)	
)	
NATHAN NOSLEY,)	GOVERNMENT'S NOTICE
)	PURSUANT TO FEDERAL RULES
Defendant.)	OF EVIDENCE 414 AND 404(b)

The government hereby provides notice of its intent to offer evidence under Federal Rules of Evidence 414 and 404(b) and in support of this notice states as follows:

1. Defendant was acquitted of sexual abuse in the second degree in 2017, but he made admissions to the underlying conduct in 2020. In its case-in-chief, in cross-examination, and/or in rebuttal, the government intends to introduce evidence related to this conduct under Federal Rule of Evidence 414, which involves evidence of a defendant's commission of child molestation. Under Rule 414, "child molestation" means a crime under federal or state law that involves, among other things, contact with a child as described in the rule and conduct prohibited by 18 U.S.C. Chapter 110. Although the government believes its previous disclosure of this evidence in discovery satisfied the disclosure requirements in Rule 414, it is filing this notice in an abundance of caution.

2. In November 2020, when defendant was arrested, he pulled out a loaded gun, and he assaulted and interfered with law enforcement officers. In its case-in-chief, in cross-examination, and/or in rebuttal, the government intends to

introduce evidence related to this conduct as intrinsic to the case because it is evidence of consciousness of guilt. *United States v. Graham*, 548 F.2d 1302, 1313 n.13 (8th Cir. 1977); *United States v. Peltier*, 585 F.2d 314, 323 n.7 (8th Cir. 1978); *United States v. Howard*, 977 F.3d 671, 676-77 (8th Cir. 2020); *United States v. Hall*, 100 Fed. R. Evid. Serv. 715, No. CR 15-55-LRR, 2016 WL 3198289, *5 (N.D. Iowa June 8, 2016) (unpublished). If the Court were to determine that this evidence was not intrinsic to the case, alternatively, the government would seek admission of this evidence under Rule 404(b) to show consciousness of guilt.

CERTIFICATE OF SERVICE

I certify that I electronically served a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record, shown below, on May 4, 2021.

UNITED STATES ATTORNEY

BY: s/ LM

COPIES TO: Dan Vondra

Respectfully submitted,

SEAN R. BERRY
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By: s/ Mark Tremmel

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